GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department –Sri M. Subba Rao, Deputy Tahsildar, O/o SDC (LA) R&R Unit, Ongole, Prakasam District- Request for promotion as Tahsildar pending finalization of the Disproportionate Assets case – Adhoc promotion – Permission Accorded - Orders - Issued.

REVENUE (SER.II) DEPARTMENT

G.O.RT.No. 711 Dated.06.08.2015

Read the following:

1. Representation of Sri M.Subba Rao, Dy Tahsildar, O/o SDC(LA) R&R Unit, Ongole, Prakasam District dt.11.03.2015 through Dy.C.M(Rev), Endt No. 286/ Dy.C.M(Rev)/15, dt. 17.03.2015.
2. Govt Memo No.8511/Ser.II(1)/2015, dt. 19.03.2015.
3. Orders of the Hon'ble APAT in OA No.760/2014 in VMA No.1540/2014 with CA No.878/2014, dt. 13.04.2015.
4. From the CCLA, AP, Hyd, Lr No. Ser.III(2)/172/2014, dt.18.04.2015.

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ORDER:

In the reference first read above, Sri M. Subba Rao, Deputy Tahsildar, O/o SDC(LA) R&R Unit, Ongole, Prakasam District has requested for regular promotion as Tahsildar for the year 2013-2014 on par with his junior i.e. Sri Shaik Moula Saheb as he has not issued any Charge Memo and no charge sheet is filed, pending finalization of the Disproportionate Assets case.

2. In the reference second read above, while enclosing the above representation, the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has been requested to examine the request of the individual and furnish a detailed report to Government.

3. In the reference fourth read above, in response to the above Memo, the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has reported that, initially, the ACB authorities have registered a case against Sri M. Subba Rao, Enforcement Deputy Tahsildar, Addanki, Prakasam District for acquiring of assets worth of Rs.56,09,912/- and keeping in view of the report of the ACB authorities and instructions of the Govt Memo No.36761/Ser.C/2004, G.A.(Ser.C) Dept, dt. 12.03.2004, the individual was placed under suspension 22.08.2011 and reinstated into service as per the orders of the Hon'ble APAT in OA No.8350/2011, dt.05.12.2011 pending finalization of the ACB case/ disciplinary proceedings.

4. The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has further stated that, as the orders of the APAT in O.A.7703/2012, dt. 28.09.2012 Sri M.Subba Rao has been posted as Tahsildar (adhoc), C.S. Puram and worked from 01.10.2012 to 16.02.2014 as Adhoc Tahsildar. Now, the individual is working as Deputy Tahsildar, SDC(LA), KOGRP. The individual has again filed the O.A. No.760/2014 to consider for promotion to the post of Tahsildar for the panel year 2013-14 on regular basis. Aggrieved by the orders in above OA, the applicant has filed W.P. No.6555/2014 in the High court of AP, and it was disposed there shall be no order as to costs.

5. The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has further reported that, in pursuance of the Interim Orders of the Hon'ble Tribunal in M.A. No.1055/2014 in OA No.760/2014, dt.03.04.2014, a speaking order was issued to the applicant on 12.05.2014 informing that, his request for promotion to the cadre of Tahsildar will be considered after finalizing the case pending against him as his name was included and differed in the panel of Deputy Tahsildar for the year 2011-2012. The above facts and circumstances have been submitted to the Hon'ble APAT also. After receiving the speaking order, the applicant has filed C.A. No. 878/2014 in O.A.No.760/2014.

(P.T.O.)

6. In the reference third read above, the Hon'ble APAT in its order dt. 13.04.2015 in OA No.760/2014 in VMA No.1540/2014 with C.A. No. 878/2014 have directed as follows:

"no Charge Memo has been issued to the applicant nor was any charge sheet filed before the competent Criminal Court. Further in view of the categorical finding of the Hon'ble Supreme Court in Janakiraman's case and also in view of the specific conditions laid down in G.O.Ms No.66, G.A.(Ser.C) Dept, dt. 31.01.1991 referring to G.O.Ms No.424, dt. 25.05.1976, we do not find any justifiable reason to interfere with the orders issued by this court in MA. 1550/2014, dt. 03.04.2014. Hence, VMA is dismissed. Further, as the scope of the OA is limited to this issue alone, we are inclined to dispose of the O.A., by making orders dt. 03.04.2014 in MA No.1550/2014 absolute. Accordingly, the respondents are directed to consider the case of the applicant for promotion to the post of Tahsildar in terms of G.O.Ms No.66, G.A.(Ser.C)Dept, dt. 31.01.1991 without reference to FIR No.11/RCA/NPK/2011, dt.18.08.2011.VMA dismissed. CA closed".

7. As per G.O.Ms.No.66, G.A.(Ser-C)Department, dated 30.01.1991, the Government have issued orders that:

> "promotion / appointment by transfer to a higher post in respect of officers who are facing disciplinary proceedings or a criminal case or whose conduct is under investigation and whose case falls under the group referred to in para 2(iii) of G.O.Ms.No.424, G.A.(Ser-C) Department, dated. 25.05.1976 shall be deferred, only when charges of misconduct are framed by the competent authority and served on the concerned delinquent officer; or a charge sheet has been filed against him in criminal court, as the case may be".

8. Accordingly, Government have examined the matter in detail and observed that only FIR is registered against the individual on 18.08.2011 and not even a charge memo issued as on today nor was any charge sheet is filed in the criminal court against case registered against him. Since, the case of the applicant is covered by the instructions of the Government, G.O.Ms.No.66, G.A. (Ser-C) Department, dated 30.01.1991, it seems that, the individual is technically eligible for notional promotion as per the said G.O. Therefore, decided to accord temporary promotion to Sri M.Subba Rao, Deputy Tahsildar to the category of Tahsildar subject to outcome of the ACB cases/ disciplinary cases pending against him.

9. Government after careful examination hereby directed the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad to consider the request of Sri M.Subba Rao, Deputy Tahsildar, O/o SDC (LA) R&R Unit, Ongole, Prakasam District for promotion as Tahsildar on adhoc basis and it shall be outside the panel of Tahsildars of 2013-14 and outside the roster points, keeping in view of the orders of APAT dt. 13.04.2015 in OA No.760/2014 in VMA No.1540/2014 with CA No.878/ 2014, subject to outcome of the ACB cases/disciplinary proceedings pending against him and all court cases pending in different courts baring on promotions to the cadre of Tahsildars.

10. The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C.SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.
Copy to:
The District Collector, Prakasam.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER